

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TROY KLANDER,
ZACKARY SALAS,

Defendants.

Case No. CR20-100RSL

ORDER GRANTING
SECOND STIPULATED
MOTION TO CONTINUE
TRIAL AND PRETRIAL
MOTIONS DATES

This matter comes before the Court on the parties' "Second Stipulated Motion to Continue Trial and Pretrial Motions Dates." Dkt. # 49. Having considered the facts set forth in the motion, and defendants' knowing and voluntary waivers, the Court finds as follows:

1. The Court adopts the facts set forth in the stipulated motion: specifically, that the government has produced voluminous media files and contents downloaded from cellphones and cloud accounts, and that defense counsel have been reviewing discovery, but the limited mobility and jail access caused by the pandemic has made it difficult for defense counsel to communicate with their clients, resulting in them needing additional time to prepare for trial. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

1 2. The Court finds that a failure to grant a continuance would likely result in a
2 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3 3. The Court finds that the additional time requested between February 1, 2021 and
4 the proposed trial date of May 24, 2021, is a reasonable period of delay. The Court finds that
5 this additional time is necessary to provide defense counsel reasonable time to prepare for trial,
6 considering all the facts set forth above.

7 4. The Court further finds that this continuance would serve the ends of justice, and
8 that these factors outweigh the best interests of the public and defendants in a speedier trial,
9 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

10 5. Defendants have executed waivers indicating that they have each been advised of
11 their respective right to a speedy trial and that, after consulting with counsel, each has
12 knowingly and voluntarily waived that right and consented to the continuation of this trial to a
13 date up to and including June 7, 2021, Dkts. # 50–51, which will permit the trial to start on May
14 24, 2021.

15 IT IS HEREBY ORDERED that the trial date shall be continued from February 1,
16 2021 to May 24, 2021, and pretrial motions are to be filed no later than April 19, 2021;

17 IT IS FURTHER ORDERED that the period of time from the current trial date of
18 February 1, 2021, up to and including May 24, 2021, shall be excludable time pursuant to the
19 Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and
20 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C.
21 §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B)(i), (iv).

22 DATED this 15th day of December, 2020.

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28 Robert S. Lasnik
United States District Judge